TITLE VI PROGRAM
FOR
ISLE OF WIGHT COUNTY, VIRGINIA

Adopted: October 20, 2022

ISLE OF WIGHT COUNTY, VIRGINIA TITLE VI PROGRAM

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal aid recipients, sub-recipients, and contractors even where those programs and activities are not federally funded. Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency (LEP).

Isle of Wight County ("the County") receives federal funding from multiple federal agencies; such funding is both direct and indirect through pass-through grants. The County receives public transportation funding from FTA and the Virginia Department of Rail and Public Transportation (DRPT); the Department of Social Services administers federal funding from the U.S. Department of Agriculture and the Social Security Administration; the Departments of Planning and Development Services receive funding from the Federal Highway Administration (FHWA). As a recipient and/or sub-recipient of federal funds, the County has developed policies, programs, and practices that ensure that such funds are used in a manner that is nondiscriminatory as required under Title VI.

This Title VI Plan document ("the Plan") details how the County incorporates nondiscrimination and accessibility policies and procedures into the County's Title VI Plan and its appendices and attachments. In accord with the mandates of 49 CFR 21.7(a), the County will submit annual Certifications and Assurances to the Virginia Department of Transportation (VDOT) and FTA. The County also requires annual training for all Directors and Department heads on anti-discrimination policies, including Title VI, related federal regulations, and the Virginia Values Act. The Plan will be updated periodically as changes in law and circumstances warrant.

I. General Policy Statement

The County of Isle of Wight is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Toward this end, it is County's objective to:

- Ensure that the level and quality of service is provided without regard to race, color or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in decision making;
- Prevent the denial, reduction or delay in benefits related to programs and activities that benefit minority populations or low-income populations and;
- Ensure meaningful access to programs and activities by persons with limited English proficiency ("LEP").

The County Administrator and all County employees share the responsibility for carrying out the County's commitment to Title VI. The County's organizational chart is attached in Appendix A.

II. Annual Assurances that the County of Isle of Wight Is Complying with Title VI of the Civil Rights Act of 1964

The County has signed the certifications and assurances document required by FHWA and FTA, and has forwarded it to the primary recipients such VDOT as required by the subrecipient agreements signed between VDOT and the County.

III. Notice to the Public

The County has posted notices regarding its Title VI obligations and the protections afforded to the public by Title VI. See Appendix B for a copy of the notice. The notice indicates that the County complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI.

IV. Complaint Procedures

See Appendix C for a copy of the County's instructions to the public regarding how to file a Title VI discrimination complaint and a copy of the complaint form.

V. Previous Investigations, Complaints, and Lawsuits

The County has had no Title VI Complaints.

VI. Public Participation Plan

The County will continue to seek out and consider viewpoints of minority, low-income, and Limited English Proficiency persons in the course of its public outreach and involvement activities. The County will continue to consider the composition of the population affected by the project, the type of practical public outreach to be undertaken and the resources available to the County. The County will continue to seek to overcome linguistic, institutional, cultural, economic, historical or other barriers that might prevent minority and low-income people from effectively participating in the County's decision-making process. To that end, the County will continue to:

- Provide opportunities for individuals and groups in these communities who can assist the County in communication;
- Maintain portions of the County's website in audio format and include other best practices to keep the website accessible to persons with disabilities compliant with federal, state, and local requirements;
- Advertise new County programs and initiatives in non-English publications and media outlets;
- Conduct meetings at locations and times convenient to low-income and minority populations and accessible to persons with disabilities;
- Employing different meeting sizes and formats; and
- Coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.

All public meetings will be advertised to the public at large. For each meeting, reasonable accommodations for persons with disabilities will be available All County meeting minutes and project information materials are publicly available on the website and accessible through reasonable accommodation requests for any type of disability, from the County.

VII. Meaningful Access for LEP Persons

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan is based on FTA guidelines.

The County has developed a written LEP Plan (below). Using the most recent American Community Survey (ACS) Census information, found at www.census.gov. the County has evaluated data to determine the extent of need for translation services of its vital documents and materials.

Four Factor Analysis

The County has performed a US DOT Four-Factor analysis of its program to encourage LEP people to become more involved in the process of planning transportation services. This analysis consists of these four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the grantee;
2. The frequency with which LEP individuals come into contact with the County's plans, programs, and activities;
3. The nature and importance of the program, activity, or service provided by the County to the LEP population; and
4. The resources available to the County and overall cost to provide LEP assistance.

Factor 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the grantee.

The following data comes from the 2015-2019 American Community Survey 5-year estimates. This data is collected by the U.S. Census.

English – 95.2% (33,076) of the population of the County speaks only English at home.
Asian and Pacific Islanders languages are spoken at home by 0.6% (206) of the population,
Spanish is spoken at home by 2.2% (750) of the population.
Other Indo-European languages are spoken at home by 1.6% (549) of the population.
People speaking other languages at home, constitute 0.4% (154) of the population.

Factor 2. The frequency with which the LEP individuals come into contact with the County's plans, programs, and activities.

The County provides translation and interpretation services through contracted services. The County does not have a documented count of how many LEP individuals interface with the County.

Factor 3. The nature and importance of the program, activity, or service provided by the County to the LEP population.

The County serves individuals throughout the County in a variety of ways including managing water, sewer, police, fire, elections, and other services to citizens of the County and individuals from outside of the County, such as visitors and those traversing the state. The nature of the services that the County provides is very important to an individual's day-to-day life. Therefore, the denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population in the County is small, we will ensure accessibility to all of our programs, services, and activities.

Factor 4. The resources available to the County and overall cost to provide LEP assistance.

The following language assistance and outreach efforts are currently being provided by the County:

Multilingual technology - there is a translation link from Google prominently displayed on www.co.isle-of-wight.va.us/

The County will continue to invest in language interpretation and document translation as necessary per year. The County will continue to adhere to its LEP plan and ADA policies.

LEP Implementation Plan

Through the four-factor analysis, the County has determined that the following types of language assistance are most needed and feasible:

- Attempt to hire bilingual staff with competency in other languages.
- Language Line Translation Services for telephone contacts.
- In-person translation
- Google translate feature on Isle of Wight County webpage

1. Staff Access to Language Assistance Services
   County staff who meet LEP persons can access language services transferring a call to bilingual staff or through translation services. All staff will be provided with a list of available language assistance services and additional information and referral resources. This list will be updated at least annually.

2. Responding to LEP Callers
   Staff who answer calls from the public, respond to LEP customers as follows: Reach out to the appropriate bilingual staff or translation services to assist with interpretation.

3. Responding to Written Communications from LEP Persons
   The following procedures are followed when responding to written communications from LEP persons: Reach out to the appropriate bilingual staff or translators for translation. Volunteers, family and friends may be utilized, if requested by the customer.

4. Responding to LEP Individuals in Person
   The following procedures are followed when an LEP person visits our customer service and administrative office: Contact appropriate bilingual staff or translation services.

5. Staff Training
   As noted previously, County staff are provided with a list of available language assistance services and referral resources, updated annually.

6. Providing Notice to LEP Persons
LEP persons are notified of the availability of language assistance through the following approaches:

- following our Title VI policy statement included on vital County documents.
- County website utilizes Google translation feature.
- through signs posted in County buildings and facilities.

7. Monitoring/updating the plan
This plan will be updated on a periodic basis (at least every three years), based on feedback, updated demographic data, and changes in applicable law.

As part of ongoing outreach to community organizations, the County will solicit feedback on the effectiveness of language assistance provided, unmet needs, and any other challenges or barriers citizens may face when trying to access County services.

Based on the feedback received from community members and department employees, the County will make changes as warranted and feasible to the resources provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore the County will attempt to identify the most cost-effective approaches.

County facilities post Appendix B: Public Notice for the County's Title VI Program. Moreover, the County's website provides website translator service that is powered by Google translate for LEP Persons.

The County does not have a documented count of how many LEP individuals interface with the County. However, the County keeps maintaining contracts and updating employee training materials with the most current editions of Local, State, and Federal requirements for providing language access to LEP Persons.

VIII. Membership of Non-Elected Committees

Title 49 CFR Section 21.5(b)(l)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program."

The County will make reasonable efforts to ensure that appointed, non-elected planning boards, advisory councils or committees reflect the demographic makeup of the County population.

IX. Requirement to Collect Demographic Data

The County is not a transit service provider and therefore is not required to collect demographic data.

X. Monitoring of Subrecipients

The County is a recipient and does monitor any subrecipients of federal funds.

XI. Equity Analysis of Facilities

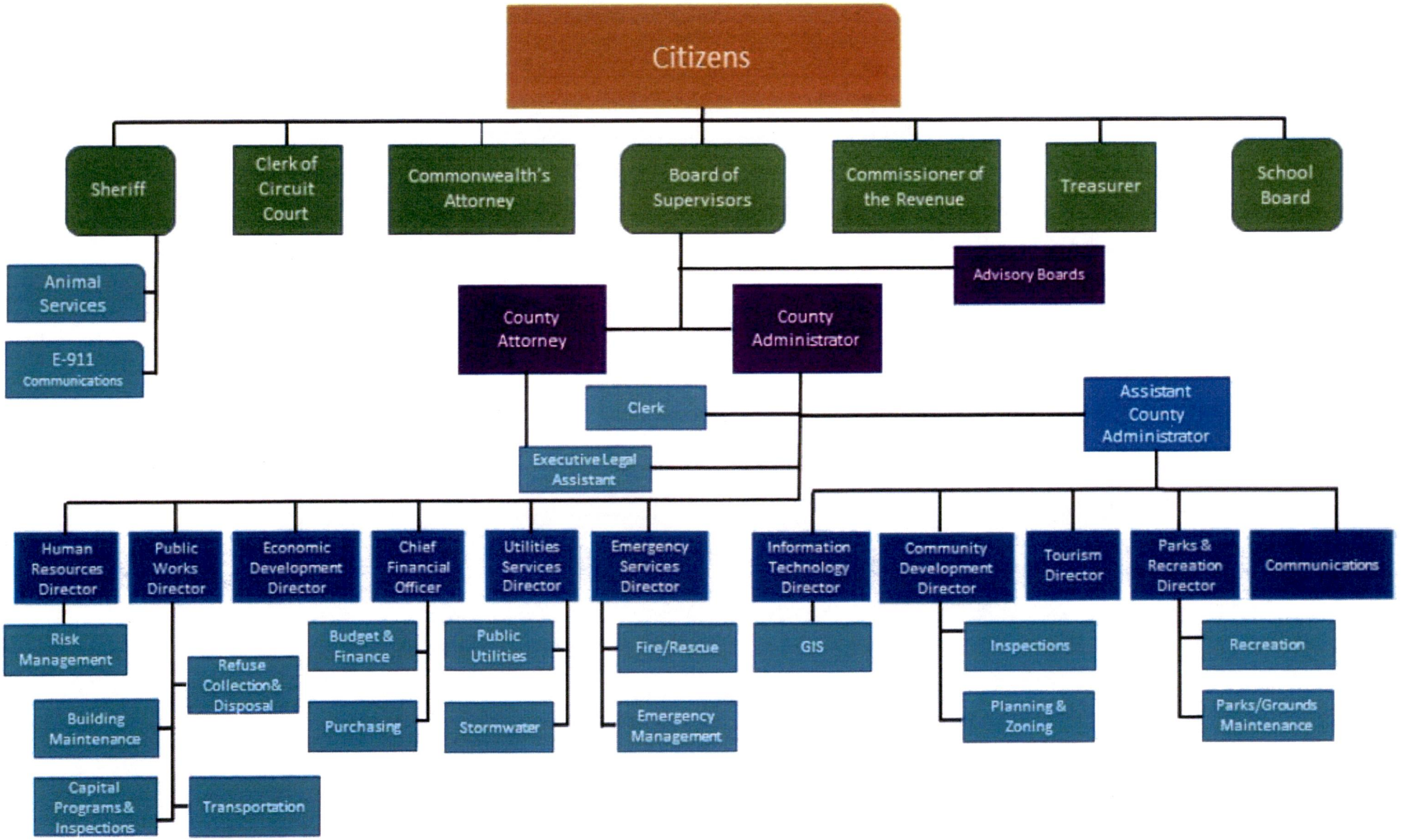
The County is not a transit provider and has not constructed any facilities requiring an equity analysis.

XII. Resolution Approving this Policy

Attached as Appendix D, you will find the resolution from the Board of Supervisors authorizing Isle of Wight County's Title VI program.

Appendix A: County Organizational Chart

FY 2022-23
COUNTY ORGANIZATION CHART



Appendix B: Notice to the Public

Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA

Isle of Wight County Title VI Program

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The County of Isle of Wight is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Toward this end, it is County's objective to:

- Ensure that the level and quality of service is provided without regard to race, color or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in decision making;
- Prevent the denial, reduction or delay in benefits related to programs and activities that benefit minority populations or low-income populations and;
- Ensure meaningful access to programs and activities by persons with limited English proficiency ("LEP").

The County Administrator and all County employees share the responsibility for carrying out the County's commitment to Title VI.

Public Notice

The County of Isle of Wight, Virginia operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the County of Isle of Wight.

For more information on the County of Isle of Wight's civil rights program, and the procedures to file a complaint, contact (757) 365-6266; email: hrdept@isleofwightus.net; or visit our administrative office at 17090 Monument Circle, Isle of Wight, Virginia 23397.

A person may file a complaint directly with the Federal Transit Administration by filing a complaint with the Civil Rights Division, Attention Complaint Team, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE Washington, DC 20590.

A person may file a complaint directly with the Federal Highway Administration by filing a complaint with the Office of Civil Rights, 8th Floor E81-105, 1200 New Jersey Ave, SE, Washington, DC 20590.

Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Isle of Wight County ("herein referred to as "the County") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. Complaints may be filed with the County, VDOT, DRPT, FHWA Office of Civil Rights, or FTA office of Civil Rights. If the Complaint is filed with the County, the County will report the complaint to DRPT, VDOT or other applicable agency within the required time frame; thereafter, DRPT or VDOT will forward the complaint to the appropriate federal agency. The County will not investigate complaints filed against it; the County will follow guidance and directives from applicable state and federal agencies. All Title VI complaints and their resolution will be logged and reported to DRPT, VDOT or other agencies as required. The County's Title VI Complaint Form is attached hereto.

A. Procedures for Filing a Title VI Complaint

1. Any individual, group, or entity that believes they have been subjected to discrimination based on race, color, or national origin may file a written complaint with the County. The complaint is to be filed in the following manner:

a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.

b. The complaint shall be in writing and signed by the complainant(s).

c. The complaint should include:

- the complainant's name, address, and contact information (i.e.,
- telephone number, email address, etc.)
- the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance)
- a description of the alleged act of discrimination
- the location(s) of the alleged act of discrimination
- explanation of why the complainant believes the act to have been discriminatory based on race, color, or national origin
- if known, the names and/or job titles of those individuals involved in the incident
- names and contact information for any witnesses
- indication of any related complaint activity (i.e., was the complaint also submitted to DRPT or FTA?)
- The complaint shall be submitted to the Human Resources Director, Isle of Wight County, P.O. Box 80, 17090 Monument Circle, Isle of Wight, Virginia 23397, (757) 365-6266 or via email at hrdept@isleofwightus.net.

d. Complaints received by any other County employee will be promptly forwarded to the Human Resources Director.

e. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Human Resources Director. Under these circumstances, the complainant will be interviewed, and the Human Resources Director will record or memorialize the interview.

2. Upon receipt of a complaint, the County will promptly:
   a. notify DRPT, VDOT or other appropriate state or federal agency;
   b. notify the County Administrator;
   c. ensure that the complaint is entered in the complaint database.

B. How Are Complaints Routed?

FHWA Division Offices do not investigate Title VI complaints. Likewise, State DOTs and its sub-recipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following ways:

1. All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against the County (a subrecipient of Federal financial assistance).

2. Complaints should be forwarded from the initial receiving agency through the Federal aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with the County, the County will forward the complaint to VDOT, which will forward the complaint to the VDOT's FHWA Division Office, which will forward the complaint to HCR. If a complaint is filed with VDOT, VDOT will forward the complaint to the VDOT's FHWA Division Office, which should forward the complaint to HCR.

3. VDOT and County will log all complaints received.

4. When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, VDOT, and the County.

5. Complaints may also be sent to HCR directly at:

Postal Mail	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590
Email	CivilRights.FHWA@dot.gov
Fax	(202) 366-1599
Questions?	(202) 366-0693

C. What are the potential outcomes for processing a complaint?

There are four (4) potential outcomes for processing complaints:

1. Accept: if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.

2. Preliminary review: if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.

3. Procedural Dismissal: if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.

4. Referral/Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a sub-recipient, HCR may either conduct the investigation itself, or it may delegate the investigation to VDOT. If HCR chooses to delegate the investigation of a sub-recipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but VDOT will conduct all data requests, interviews, and analysis.

VDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI.
Complaint form in English

Title VI Complaint Form

ISLE OF WIGHT COUNTY TITLE VI DISCRIMINATION COMPLAINT FORM

Instructions: Please fill out this form completely in blue or black ink or type. Sign and submit to the Human Resources Director, Isle of Wight County, P.O. Box 80, 17090 Monument Circle, Isle of Wight, Virginia 23397.

For assistance please call (757) 365-6266.

THIS FORM IS OPTIONAL AND IS PROVIDED FOR YOUR CONVENIENCE.

Complainant Name: _____

Address: _____ E-mail: _____

Home Telephone: _____ Work: _____ Cell: _____

If an authorized representative is filing this complaint on behalf of another person, his/her personal information must also be included:

Representative Name: _____

Address: _____ E-mail: _____

Home Telephone: _____ Work: _____ Cell: _____

Please tell us why you believe the discrimination occurred: Race, Color, National Origin, Other (Specify):

_____

Date of Incident: _____ Time of Incident: _____

Location or Address of Incident: _____

Describe your complaint: _____

_____

_____

What type of corrective action would you like to see be taken? _____

_____

If the incident involved a Isle of Wight County employee, please list his/her name: _____

Names and contact information of witnesses: _____

_____

If your complaint is being filed on behalf of another person or group of people, all complaints must be identified by name: _____

Complainant Signature: _____ Date: _____

Authorized Representative Signature: _____ Date: _____

Appendix C: Resolution Approving this Policy

RESOLUTION TO ADOPT A TITLE VI PROGRAM FOR ISLE OF WIGHT COUNTY, VIRGINIA

WHEREAS, in 1964, Congress enacted the Civil Rights Act of 1964, which included that section labeled Title VI which prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and,

WHEREAS, since the adoption of Title VI, additional federal regulations and court decisions have further refined the definition of "federal financial assistance" and what entities are affected and controlled by Title VI; and,

WHEREAS, the Isle of Wight County, Virginia has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and,

WHEREAS, the interpretation and application are not intuitive or readily understood, requiring an understanding of what "federal financial assistance" might be in any particular situation and what persons or entities must comply with Title VI; and,

WHEREAS, a policy and procedure for reporting violations will provide guidelines for the County, County Departments and private persons and companies doing business with the County and receiving federal financial assistance.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Isle of Wight County, Virginia, that the Title VI Program is hereby adopted

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized and directed to implement the Title VI Program in compliance with Federal Law.

Adopted this 20th day of October, 2022.

Rudolph Jefferson, Chairman

Carey Mills Storm, Clerk

Approved as to form:

Robert W. Jones, Jr., County Attorney

TITLE VI ASSURANCES (STANDARD DOT TITLE VI ASSURANCES – USDOT 1050.2A

ISLE OF WIGHT COUNTY, VIRGINIA
TITLE VI / NONDISCRIMINATION ASSURANCE
(DOT Order No. 1050.2A)

Isle of Wight County, (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *Federal Highway Administration,* is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.,* 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation – Effectuation Of Title VI Of The Civil Rights Act Of 1964);*
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurance

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

> *"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"Isle of Wight County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C.§§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Isle of Wight County also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *USDOT* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *USDOT*. You must keep records, reports, and submit the material for review upon request to *USDOT,* or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Isle of Wight County gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal-Aid Highway Program*. This ASSURANCE is binding on the *Commonwealth of Virginia,* other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the *Federal-Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Isle of Wight County, Virginia

by _____

Randy R. Keaton, County Administrator

APPENDIX A

Contractor/ Consultant/Supplier Agreement: U.S. DOT 1050.2A -- Appendix A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

a. withholding payments to the contractor under the contract until the contractor complies; and/or

b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect

the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that Isle of Wight County will accept title to the lands and maintain the project constructed thereon in accordance with the Virginia General Assembly, the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the *Federal Highway Administration* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Isle of Wight County all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Isle of Wight County and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on Isle of Wight County, its successors and assigns.

Isle of Wight County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that Isle of Wight County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the abovementioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C THE ACTIVITY, FACILITY, OR PROGRAM CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by Isle of Wight County pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, Isle of Wight County will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, Isle of Wight County will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of Isle of Wight County and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D
CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Isle of Wight County pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, Isle of Wight County will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Isle of Wight County will there upon revert to and vest in and become the absolute property of Isle of Wight County and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

Contractor/ Consultant/Supplier Agreements: U.S. DOT 1050.2A -- Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federalaid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).